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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 20.07.2018
+ CRL.M.C. 3589/2018

DINESH JOSHI & ORS. Petitioners

versus

STATE OF NCT OF DELHI & ANR Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Manish Kumar, Mr. C.B. Garg and Ms.
Sanjeeta Tripathi, Advs.

For the Respondent: Mr. Sanjeev Sabharwal, Addl. PP for the State with
SI Sanjeet Singh
Mr. S. Kumar, Adv. for R-2

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT
20.07.2018**

SANJEEV SACHDEVA, J. (ORAL)

Crl. M.A. 28182/2018 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3589/2018 & Crl. M.A. 28181/2018

1. Exemption is prayed on behalf of petitioner no. 3 on the ground that she is unwell and bed-ridden. She has filed an affidavit in support

of the petition. For the reasons aforesaid, petitioner no. 3 is granted exemption from personal appearance.

2. The petitioners seek quashing of FIR No. 105 of 2015 under Sections 498A/406/34 of the IPC registered at Police Station CAW Cell Nanak Pura, New Delhi, based on a settlement. It is contended that the FIR was lodged consequent to a matrimonial discord.

3. Learned counsels for the parties submit that the parties have settled their disputes. Petitioner No. 1 and respondent No. 2 have amicably dissolved their marriage by mutual consent and decree of divorce dated 30.05.2018 has been passed. It is further submitted on behalf of the parties that parties had entered into a settlement on 09.09.2017. As per the settlement, a total sum of Rs. 5,50,000/- has been agreed to be paid to respondent no. 2. A sum of Rs. 4,00,000/- has already been paid and the balance sum of Rs. 1,50,000/- by way of Bankers' Cheque No. 563473 dated 11.06.2018 issued by State Bank of India, has been paid to respondent no. 2 today in Court.

4. Respondent no. 2 who is present in court in person, represented by her counsel and is identified by the Investigating Officer. Respondent no. 2 submits that she has settled the dispute with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

5. In view of the fact that the disputes between the petitioners and

respondent no. 2 emanate out of a matrimonial discord and have been settled, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating there from.

6. In view of the above, the petition is allowed. FIR No. 105 of 2015 under Sections 498A/406/34 of the IPC registered at Police Station CAW Cell Nanak Pura, New Delhi and the consequent proceedings emanating there from are, accordingly quashed.

7. Order *Dasti* under signatures of the Court Master.

JULY 20, 2018
'rs'

SANJEEV SACHDEVA, J